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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION
13

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 HOSSEIN DABESTANI,

18 Defendant.
19

No. CR 12-708 EJD

STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME FROM
SPEEDY TRIAL ACT CALCULATION

20 The parties stipulate as follows:

21 1. On October 1, 2012, defendant Hossein Dabestani appeared with counsel,
22 Assistant Federal Public Defender Varell Fuller, before Magistrate Judge Howard R.
23 Lloyd for arraignment on an indictment charging him with a violation of 18 U.S.C. §
24 1960(a). Assistant United States Attorney Peter B. Axelrod appeared for the United
25 States.

26 2. Magistrate Judge Lloyd set the matter for an initial appearance before
27 District Judge Edward J. Davila on November 5, 2012, at 1:30 p.m.

28 ///

No. CR 12-708 EJD
ORDER EXCLUDING TIME

FILED

OCT - 3 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

3. At the request of the parties, the Court ordered the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from October 1, 2012 to November 5, 2012. Defense counsel requested the continuance for effective preparation in order to review materials previously provided by the United States in discovery and additional materials to be provided prior to the next court appearance.

STIPULATED:

DATE: 10/2/12 /S/

PETER B. AXELROD
Assistant United States Attorneys

DATE: 10/2/12 /S/

VARELL FULLER
Attorney for Defendant Hossein Dabestani

ORDER

Based on the parties' stipulation, the Court finds and holds, as follows:

1. Time is excluded from calculation under the seventy-day time limit for the commencement of trial under 18 U.S.C. § 3161(c)(1). The United States has provided materials to defense counsel and counsel needs additional time to review those materials, additional materials that the government intend to produce, and meet with the defendant and determine how to proceed. Accordingly, the extension and exclusion are required for effective preparation of defense counsel.

2. There is good cause for the exclusion under 18 U.S.C. § 3161, and that the ends of justice served by granting this continuance outweigh the best interests of the public and of the defendant in a speedy trial and the prompt disposition of criminal cases. 18 U.S.C. § 3161(h)(8)(A). The Court further finds that failure to grant the continuance would deny counsel for all parties reasonable time necessary for effective preparation taking into account the exercise of due diligence under 18 U.S.C. § 3161(h)(8)(B)(iv).

1 3. Accordingly, and with the consent of the defendant, the Court orders that
2 the period from October 1, 2012 to November 5, 2012 be excluded from Speedy Trial Act
3 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

4 IT IS SO ORDERED.

5
6
7 DATED: _____

10/3/12



HOWARD R. LLOYD
United States Magistrate Judge